

GROTON CONSERVATION COMMISSION

Minutes

August 23, 2005

Clerk Marshall Giguere called the meeting to order at 7:05 p.m. in the 2nd floor conference room at Town Hall. Members Craig Auman, Bruce Clements, and Kris Corwin were also present. Evan Owen arrived at 7:06 p.m. Members Bruce Easom and Peter Morrison were absent. Conservation Assistant Barbara Ganem was present.

7:00 p.m. - Appointment Paul Funch

Paul Funch of the Trails Committee explained he had requested time on the Commission's agenda to discuss several trail-related issues. The Trails Committee and Commission previously met with abutters of the Longley II Conservation Area four years ago. At that time it was decided no additional trail marking would take place until the boundaries were located and agreed upon by the Trails Committee and the abutters. Based on GPS determinations, Mr. Funch indicated the proposed trail markings are well within the property boundaries on the Longley II Conservation Area. However, Joel Renninger, 54 Saddle Lane, continues to be unhappy with the proposed trail. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to authorize the Trails Committee to install trailhead posts at the cul-de-sac on Saddle Lane and to complete trails around the southern and western edges of the subdivision.

Regarding the Northwoods Conservation Area, P. Funch reported the wetland area does not appear to have dried out, and it will be necessary to put in a trail bridge. He thought there may be a blockage in the outflow from the pond. He estimated the wetland was 10' - 12' wide, and no footers are proposed. K. Corwin said she would not favor using pressure-treated wood at this location, but it seems okay to use "aged" utility poles. Member Auman indicated he was uncomfortable with either alternative without some sort of reassurance there would be no impact to the wetland.

7:15 p.m. - 160 Townsend Road NOI continuation

With the assent of the applicant and upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to continue the hearing for 160 Townsend Road to October 11, 2005.

Returning to the discussion on the Northwoods bridge, Mr. Funch noted if a 12' wide span is utilized, no feature will be located in the wetlands. Commissioners felt a Request for Determination of Applicability would be appropriate since this form was filed for the footbridge in the Gleason connector.

P. Funch also pointed out this scenic trail may be one that could be made ADA-accessible because it is a relatively flat area. To make it accessible for those with motor disabilities, it would be necessary to have a compacted surface located next to the pond. The GCT Gamlin area is another area where surfacing would be necessary within the Riverfront area in order to improve accessibility. Member Owen commented improving access to conservation areas would be considered a public good. The slope would have to be 1 over 12, and a 40' long area would require grading. E. Owen questioned whether starpac or stone dust is ADA compliant. Acting Chairman Giguere noted Mr. Funch is looking for a recommendation from the Commission as to the concept of making these trails more accessible. Mr. Funch indicated he definitely felt this type of facility would be used as it would appeal to both senior citizens and those with disabilities. Grants may be available and a Community Preservation application should also be considered. It was noted the Highway Department could be limited in how much time they could devote to such a project. The Commission would prefer to see preliminary design plans before offering a recommendation.

P. Funch asked the Commission to consider installing signage on the Northwoods (2), Groton Woods (4), replace

Cronin sign on Rail Trail, Groton Hills (Kaileys Way), and Sawtell (2) Conservation Areas. He noted there are still encroachment issues at the Sawtell cul-de-sac, 77 Hidden Valley Rd., and 51 Kailey's Way. Member Clements reported he had met with representatives of Verdant Arch who developed Orion Way. The builder indicated he was agreeable to installing a bark mulch trail to the conservation land once the Trails Committee installed the trailhead posts.

Regarding encroachment at 77 Hidden Valley Rd., the Commission has been in touch with the owner and expects to re-visit the site in three weeks. At 51 Kaileys Way, the lawn is being mowed with no path clearly visible. On Sawtell, the only thing that is not being mowed is the path between the posts, just the opposite of what is needed. Member Auman asked about the progress on the Gibbet Hill trails, and Mr. Funch explained he has attempted to meet with Steve Webber about both the trails and parking. It is hoped the parking area can be extended. On Angus Hill, there are styles providing access over the fencing, but eventually it is hoped there will be openings in the fencing. The new owner, Meredith Scarlet, has to determine what kind of fencing they will install, but she is very interested in making the trails system work. Commissioners thanked Paul for all his good work on Town trails. He commented he was glad to see the McLains Conservation Area was recently mowed.

7:30 p.m. - 2 Shelters Rd. Request for Determination of Applicability continuation

Resident Susan Cunneen explained she had had a landscaper clear out brush, and she was not aware of the need for a permit to clean up brush on her own property. Member Clement noted he observed that the area had been cleared to the edge of the pond and planted with grasses. Some erosion is occurring in this area. He thought the area would have to be revegetated with shrubbery or other plantings in order to restore a stable buffer next to the pond. Member Corwin acknowledged she was not on the site walk, but noted there were boulders placed every 25' at the back of the house to mark the edge of permitted disturbance. E. Owen commented the Commission signed off on the Certificate of Compliance after the boulders were in place with the intention that they marked the limit of disturbance on the lot.

Ms. Cunneen questioned how she was to know this state law. She felt she should have been notified as she wants to do the right thing and is willing to re-stabilize and re-vegetate the area. E. Owen said the Commission will have to concur on appropriate native plantings. C. Auman indicated the Commission had worked hard with the builder, Bob Lacombe, to assure there would be no disturbance of the 50' buffer in accordance with the Groton Wetlands Protection Bylaw. He noted the Commission was rather shocked by this clearing and re-vegetating with grass which is not appropriate. Mr. Auman pointed out he felt it was important for Ms. Cunneen to be aware of the Notice of Intent filing and the history on the lot. One of the conditions in the Order of Conditions specified marking (in this case with boulders) to prevent encroachment into the buffer.

M. Giguere said the Commission spent a lot of time working with the builder to agree on the limit of disturbance. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to issue a positive Determination and require the filing of a Notice of Intent

with a site plan and erosion control.

Upon a motion by E. Owen, seconded by M. Giguere, it was

VOTED: that the Wetlands Protection Bylaw applies and the applicant is required to file

a Notice of Intent.

B. Clements said B. Ganem can assist Ms. Cunneen in the filing process. E. Owens, noting it is an imperfect system, suggested including a copy of Massachusetts General Laws in welcome baskets for new residents.

7:45 p.m. - Appointment Bob Pine

Mr. Pine acknowledged demarcation of the limit of disturbance can be an issue. He remarked Fisheries & Wildlife has expressed an interest in the Walker property on Chicopee Row and may consider contributing funds to its protection.

Regarding his request for a Certificate of Compliance for 100 Hollis St., Mr. Pine pointed out the Order of Conditions specified some type of barrier which he understood could be fencing or plantings. Since the work on invasive plant removal is continuing beyond the limit of disturbance authorized in the NOI filed for the house, he did not feel it appropriate to install a barrier. He said the top of a natural slope is a more appropriate limit of disturbance. He noted that it is their intent to naturalize the area and minimize lawn. He also commented there is a lot of wildlife that moves back and forth in the area.

C. Auman pointed out the Commission's experience has been that landowners generally wish to extend their lawns. E. Owen noted it is also an issue when houses change hands, and it is important that the Commission be consistent. B. Pine commented plantings can always be mowed down. To clarify Mr. Pine's proposal, K. Corwin said he plans to use the top of the slope rather than the haybale line that marked the original limit of disturbance. The Commission agreed to not require a barrier, providing Mr. Pine provides a plan clearly showing the permitted limit of lawn area at a topographic elevation. This plan will be incorporated into the Certificate of Compliance so future owners will be aware of the limitation. Mr. Pine explained that the seed mix used for re-planting the areas where invasives were removed was native to North America, not New England. He does not feel additional seeding will be necessary since the natural vegetation is becoming well established.

8:00 p.m. - Reedy Meadow Estates Notice of Intent continuation

With the applicant's assent, and upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to continue the hearing for Reedy Meadow Estates to October 25, 2005.

8:00 p.m. - Appointment Jim Gmeiner for 21 Moose Trail

Mr. Gmeiner explained his client wishes to buy the lot next door identified as Parcel 130-55 by the Groton Assessors. His client, Tom Wilson, purchased the lot in 1998 from the Wagners who had owned it since 1947. Both parties thought they owned the adjacent lot, and the well, a shed, part of the retaining wall, and underground utilities are located on land now identified as belonging to the Town. The Town took the parcel for non-payment of taxes in 1986. Mr. Gmeiner said he had filed for a judgment to vacate the decision, based on adverse possession. He stated he was informed by the Selectmen's office that the Conservation Commission does not recommend that lots with frontage on Lost Lake/Knops Pond be sold. He noted Mr. Wilson has agreed to pay back taxes and town attorney fees in order to buy the lot. E. Owen acknowledged the Commission is generally interested in lakeside property.

B. Clements suggested an easement allowing continued use of the well might be appropriate. Tom Wilson said there is no garage on his property and no place to store gasoline. Mr. Clements questioned whether the shed could be moved and continued use of the well allowed. Mr. Wilson explained there is a fence line to the shed and the bank is high so this area is more naturally a part of his property. He noted the retaining wall also defined his property line.

K. Corwin noted the Commission is interested in protecting the wetland buffer and this is why lakeside property is of interest. She questioned whether a conservation restriction limiting additional buildings might be appropriate. She said she was not opposed to the selling of the lot.

Member Owen noted the Commission has previously requested additional information from the owner which has not been forthcoming. He felt the Commission would be a better steward of the property than Mr. Wilson. Mr. Owen commented he thought new plans for the area around the retaining wall were to be provided to the Commission. Noting much of the site is covered with paving or structures, E. Owen pointed out the Commission is still waiting for a filing. He felt the homeowner was not playing ball with the Commission and needed to provide the requested information before the Commission could consider this proposition.

T. Wilson argued that the engineer from Ross Associates assumed a lot, most particularly the old and new high water line. Mr. Wilson maintained it was not a new retaining wall, but he had updated it. Mr. Owen said the bottom line is that the Commission asked for plans and never got them. Member Giguere noted this appears to be a legal issue. Mr. Gmeiner explained he had sent a letter to the Board of Selectmen, a copy of which the Commission had before them, requesting them to consider selling the land to Mr. Wilson. C. Auman asked if the deed provided any guidance about

the property lines. Mr. Gmeiner responded typically lakeside properties have no drill holes or clear property bounds. He noted he has been involved in many cases in which there are boundary disputes in the Lake area.

Electric lines are located within the parcel under discussion. Mr. Wilson said the Wagners had poured concrete into the Lake to serve as a boat ramp, and he has personally observed boats launched there. Mr. Gmeiner asked if the Commission was interested in a boat access where unregistered boats and possibly invasive plants could gain access to the Lake. He requested the Commission make a recommendation to the Board of Selectmen that the property be sold to Mr. Wilson. B. Clements said he would like to see the land before making a recommendation. Mr. Gmeiner indicated he was hoping to get this matter on the fall town meeting agenda. There are really two issues - one the purchase of the land and the fact that Mr. Wilson cannot do work on town property. Mr. Gmeiner said the lot is approximately 40' by 100'. The Commission agreed to include the site on the next Saturday site walk.

8:30 p.m. - Whiley Road Notice of Intent continuation

The applicant's representative is ill and has requested another continuation. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to continue the hearing for Whiley Road to September 13, 2005.

8:45 p.m. - Appointment Brian Abel/12 Deerfield Drive.

Mr. Abel was not present, but B. Ganem explained he wished to leave a grapevine and the pergola in place until the vine is dormant. Members said they were okay with the concept and recommended sending a letter asking Mr. Abel to provide a date prior to the next growing season in which he expects to move the plant and pergola.

Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to approve the draft minutes of July 26, 2005 as amended.

This represents a change from the vote taken on August 9th.

Regarding the minutes of August 9, 2005, it was noted there is no quorum of those who attended that meeting. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to approve the minutes of August 9, 2004 as drafted.

C. Auman, E. Owen, and B. Clements voted in favor, and K. Corwin and M. Giguere abstained from the vote.

Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to renew membership in the Nashua River Watershed Association in the

amount of \$50 for the next fiscal year.

9:00 p.m. - Rivercourt Notice of Intent continuation

Frank DiPietro, a registered professional engineer for Vanasse, Hangen, and Brustlin said he was present on behalf of David Hamilton of Rivercourt. He noted he previously had represented Mr. Hamilton on the redevelopment of the old Leatherboard factory into the Rivercourt facility. He explained the 100 year floodplain elevation varies between 224' and 227' at this site. The Board of Health required a raised septic system, and the landowner proposes installing grasspavers to protect the septic system when there is a need for overflow parking. This will prevent the infiltration line from being broken.

The Notice of Intent has been sent to Natural Heritage because the project is located within a rare species polygon. It is anticipated they will provide input on the type of vegetation appropriate for wildlife. K. Corwin asked if compensatory

flood storage was provided at every elevation at which filling occurred, and Mr. DiPietro replied “Yes, this was provided as part of the calculations for the site.”. The trash noted in the area where the compensatory flood storage will occur is to be removed from the site. Mr. DiPietro explained the site was used for disposal when the mill was in operation. Ms. Corwin said she thought the removal of invasives in this area would be a good thing, but she had concerns about removing gravel areas that might be suitable turtle nesting areas.

Regarding the proposed re-planting plan, C. Auman asked why no trees were proposed. Mr. DiPietro said they felt shrubs would be better for wildlife. They anticipate cutting the hill down between 3’ and 4’, and future maintenance may involve mowing between shrubs. Members urged that any work be geared toward keeping invasive plant species out. M. Giguere noted there are several mature pines and birches there now, and he felt trees should be part of the re-vegetating. He asked if there were any alternatives to the black plastic cells for the grasspaver section as the Commission is aware of situations in which the grass has burned. Mr. DiPietro said he would look into whether these materials were available in other colors. One of the chief problems with the grasspavers is failure to water, but there are also concerns about contributing too much water to the on-site septic system.

Mr. DiPietro said it is hoped this project can be accomplished this fall in a 2 - 6 week period. He explained the site had been subjected to a 21E study previously. It is anticipated that approximately 6,800 yards of material will be removed. Commissioners asked the components of the seed mixture the applicant plans to use on site. Pending word from Natural Heritage, and upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to continue the Rivercourt hearing to September 13, 2005.

Member Owen suggested the old silt fencing be removed although it will be necessary to add more when this phase of the project is undertaken.

Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue the draft Order of Conditions for DEP #169-929 for 10 Nate Nutting Road, as amended.

K. Corwin and M. Giguere abstained from the vote.

Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to consider this project exempt from the Wetlands Protection Bylaw under Section 215.3 because it is previously disturbed.

K. Corwin and M. Giguere abstained from the vote.

In discussion on whether to allow granite posts for demarcation at 106 Peabody St., members agreed to send a letter to Mr. Merkwaz stating they could be placed 10’ apart with 6” aboveground.

Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to issue the draft Order of Conditions for DEP #169-927 for Conductorlab, as amended.

All were in favor.

Regarding the boards in the dam at the Squannacook Sportsmen’s Club, K. Corwin noted this is the time of year when the water elevation can be manipulated without impacting the wildlife in Wrangling Brook. She pointed out that historically, there were no boards in the dam. C. Auman asked what effect removing the boards would have both upstream and downstream. Natural Heritage was particularly concerned because of the time of year when water was

released. It is preferable for wildlife to maintain a constant water level. Ms. Corwin suggested notifying Natural Heritage of our plan. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to send a letter to Natural Heritage & Endangered Species letting them

know of our intention to permanently remove the boards in the dam.

E. Owen questioned whether this means the Commission is assuming control of the dam. He noted we still do not know who owns the dam. The conservation issues are the Commission's responsibility. If we ask Natural Heritage for their opinion, we will have guidance on what should be allowed there. There are rare species in the area, and we are responding to a complaint about fluctuating water levels.

B. Clements reported there has been vandalism at Sargisson Beach. The recently completed "No boat landing" sign was apparently used as fuel for a bonfire. The matter is being reviewed by the police. B. Ganem noted staffing the Beach during the Labor Day weekend has become problematic due to lifeguards returning to college. Members indicated they found reducing the number of hours appropriate for the situation.

It was noted the Conservation Commission web site may have incorrect term information for members. B. Ganem will check on this.

Both M. Giguere and E. Owen indicated they were interested in attending the Low Impact Development workshop on September 27, 2005.

Cynthia Kollarics submitted a report on her findings on the Small Bur-reed in Springy Cove. Commissioners agreed to send a letter to Bill Eger and John Diezemann noting the requirement that the locations of Small Bur-reed be appropriately marked.

B. Ganem said the appraisal for the Walker property is in tonight's packets. Members felt they would need an opportunity to review it before making comments.

Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to approve the Executive Session minutes of August 2, 2005 as drafted.

K. Corwin abstained from the vote.

E. Owen reported a truck got stuck in the wetlands near the power lines on the Shattuck parcel, south of Martins Pond Road. The police were on site, and this could be an instance where a fine for alterations of wetlands is in order.

There being no further business, the meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

Approved as amended September 13, 2005